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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/646,504
	Filing Date	August 21, 2003
	First Named Inventor	Fujihiko Kobayashi
	Art Unit	2646
	Examiner Name	Phylesha L. Dabney
Total Number of Pages in This Submission	Attorney Docket Number	6340-000034

ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):		
<table border="1"><tr><td>Remarks</td><td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</td></tr></table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name David A. McClaughry	Reg. No. 37,885
Signature			
Date	November 16, 2005		

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	David A. McClaughry	Express Mail Label No.	EV 717 344 579 US (11/16/2005)
Signature		Date	November 16, 2005

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EV 717 344 579 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/646,504
Filing Date: August 21, 2003
Applicant: Fujihiko Kobayashi
Group Art Unit: 2646
Examiner: Phylesha L. Dabney
Title: PIEZO-ELECTRIC SPEAKER
Attorney Docket: 6340-000034

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated August 16, 2005, please consider the following:

The Examiner has required a restriction between the following three species:

Species I: Figures 1, 2, 4-5e read on the first species wherein the thickness of the piezo-electric vibration plate is decreased from center to edge of the piezo-electric member in Claims 1-2, and 4.

Species II: Figure 3 reads on the first species wherein the thickness of the piezo-electric vibration plate is uniform at the periphery of the piezo-electric member in Claims 1 and 3.

Species III: Figures 6-10 read on the first species wherein the piezo-electric vibration plate is divided into several arbitrary

configurations and connected to the piezo-electric member in Claims 1 and 5-7.

Here, the Examiner has not established a prima facie showing that a restriction is proper. The Examiner has failed to show separate classification, separate status in the art or that a different field of search is required. Accordingly, the Examiner must examine the alleged three groups since a serious burden does not exist.


Applicant believes that the Examiner will uncover all of the alleged species during her search and that no undue burden has been established. Accordingly, Applicant believes the Examiner must examine all species on the merits.

In the event that the Examiner disagrees with Applicant's position, Applicant elects Species III (Claims 1 and 5-7).

Should the Examiner have any questions regarding the present application, she should not hesitate to contact the undersigned (248) 641-1600.

Respectfully submitted,

Dated: November 16, 2005

By: 
David A. McClaughry
Reg. No. 37,885

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